IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6758 of 2005

Between:

M. Sharifulla, S/o. Abdul Sammad, Muslim,
No. 576437, Resident of Tadimarri Village, Post and Mandal,

Dharmavaram, Ananthapur District.

..... PETITIONER

AND

The Regional Manager, A.P.S.R.T.C. Ananthapur Regional, Ananthapur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the Proceedings No. P4/255(23)/2002, RM-A dated 5-8-2002 of the respondent herein as illegal, arbitrary invilation of the principles of natural justice and in violation of Art.14 and 21 of the Constitution of India, and consequentially direct the respondent herein to restore petitioner's name in the approved panel.

Counsel for the Petitioner:MR.Y.VENUGOPAL REDDY

Counsel for the Respondent: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

Petitioner contends that he was appointed as driver in the respondent-Corporation. He contends that as he was hospitalized, he could not attend duty. Thereafter, the respondent issued show cause notice dated 29.06.2002 to the petitioner to show cause as to why his name should not be deleted from the selected list. As the petitioner failed to submit explanation, the impugned proceedings dated 05.08.2002 was issued deleting his name from the approved panel of selected list. The petitioner, therefore, approached this Court through this writ petition, seeking a direction to the respondents to restore his name in the list of selected candidates and reinstate him into service.

It is an undisputed fact that the petitioner was selected on the basis of regular selection. His services were being utilized as a casual driver as and when required. Under the similar circumstances, a Division Bench of this Court in Writ Appeal No.1259 of 2003 dated 29.08.2003, upheld the order of the learned Single Judge, who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board.

The respondents could not place any material to show whether any enquiry was conducted against the petitioner for his unauthorized absence. Deleting the name of the petitioner from the list of selected candidates without conducting any enquiry cannot be sustained.

In the light of the above circumstances, the impugned proceedings of the respondent dated 05.08.2002 are set aside. Respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties.

The writ petition is accordingly allowed. However, this order does not preclude the respondent in taking appropriate action against the petitioner in accordance with the regulations of the Corporation. No order as to costs.

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(K.C.BHANU,J)

Dt:30th March, 2005

Usd

To

1. The Regional Manager, A.P.S.R.T.C. Ananthapur Regional,

Ananthapur.

2 Two CD copies.